

Remarks

Upon entry of the foregoing amendment, claims 1-2, 2-11, 13-15, 17-28, 31-33, 66, and 69-82 are pending in the application, with claims 1-2, 21, 23, and 66 being the independent claims. Based on the following remarks, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding rejections.

Claim Rejections Under 35 U.S.C. § 102(e)

Claims 1-2, 2-11, 13-15, 17-20, 23-28, 31-33, 66, and 69-82 were rejected as being anticipated by Hughes. Applicants respectfully traverse.

When a prior U.S. patent, U.S. patent application publication, or international application publication is not a statutory bar, a 35 U.S.C. 102(e) rejection can be overcome by antedating the filing date of the reference by submitting an affidavit or declaration under 37 CFR 1.131 establishing that the relevant disclosure is owned by the same assignee. See MPEP § 2136.05.

Applicants have filed concurrently herewith an declaration under 37 CFR 1.131 antedating the filing date of the Hughes reference. Accordingly, the claimed invention is not anticipated by Hughes. Applicants respectfully request that the rejection under 35 USC § 102 be withdrawn.

Claim Rejection Under 35 U.S.C. § 103(a)

Claims 21-22 were rejected as being unpatentable over Hughes as applied to claims 1-2, 2-11, 13-15, 17-20, 23-28, 31-33, 66, and 69-82 and further in view of Huo. Applicants respectfully traverse.

Where, a rejection is applied in an application filed on or after November 29, 1999, under 35 U.S.C. 102(e)/ 103 using the reference, a showing that the invention was commonly owned, or subject to an obligation of assignment to the same person, at the time the later invention was made would preclude such a rejection or be sufficient to overcome such a rejection. See MPEP § 715.01(b)

Applicants have filed concurrently herewith a declaration under 37 CFR 1.131 showing common ownership of the cited Hughes reference and the present application. The Hughes patent may not be used to establish prima facie obviousness. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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